

Notice of Allowability

Application No.

10/037,277

Examiner

Karin M. Reichle

Applicant(s)

HAMMONDS ET AL.

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7-12-04.
2. ☒ The allowed claim(s) is/are 20-27.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other marked up copy of drawings.

K. M. Reichle
Karin M. Reichle
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Ralph Dean on August 10, 2004.

3. The application has been amended as follows:

In Claim 20(Patent Claim 1),

Line 28: before "wings", insert --temporarily overlapped-- and before "one", insert --the--;

Lines 23 and 28: change "fastening" to --fastener--.

In Claim 21(Patent Claim 3),

Line 2: before "wing", insert --other--;

Lines 3-4: delete "therebetween...article";

Line 4: before "fastener", insert --first-- and change "one" to --other--.

In Claim 24(Patent Claim 6),

Line 1: change "18" to --26--.

In Claim 25(Patent Claim 8),

Line 1: change '19" to --27--.

Add the following two claims:

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26. (New) The method of claim 20, further comprising the step of providing each first fastener component in the form of a mechanical hook material and each cooperating fastener component in the form of a loop material.

27. (New) The method of claim 20, further comprising the steps of disengaging the wings after use and utilizing the selectively releasable interengaging fasteners to secure the article in a configuration convenient for disposal.

Claims 18-19 are cancelled.

4. Claims 1-17 were cancelled.

Claims 20-27 are allowed.

5. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: see attached marked up drawings. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

6. The following is an examiner's statement of reasons for allowance: No extension of time was required because a Notice of Appeal was filed 8-5-04. The photomicrographs filed 7-12-04 were approved by the Draftsman. The drawing changes filed 7-12-04 were approved by the Examiner. Remaining objections have been overcome by the amendment to the drawings in Paragraph 5, supra. The terminology "a personal care article" as set forth in claim 20, line 1, is interpreted in light of the specification at page 1, lines 3-4, i.e. "such as sanitary napkins, incontinence pads and the like". See also paragraph 7 of the 7-10-03 Office Action. The prior art references, alone or in any combination, do not teach providing the article as set forth on lines 3-22 of claim 20 to the user, which user then performs the steps on lines 23 et seq of claim 20 so

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as to perform a method for securement as set forth on lines 1-2 of claim 20. This also applies to claims 21-27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (703) 308-2617. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703) 308-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Karin M. Reichle
Primary Examiner
Art Unit 3761

KMR
August 10, 2004